

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

Alfred J. Lizotte,	)	
	)	
Plaintiff,	)	<b>ORDER SCHEDULING SETTLEMENT</b>
	)	<b>CONFERENCE</b>
vs.	)	
	)	
Dacotah Bank, a South Dakota Banking	)	
Corporation, Gaylen W. Melgaard,	)	
Bobby Compton, and Joe Senger,	)	Case No. 4:08-cv-084
	)	
Defendants.	)	

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**IT IS ORDERED:**

A settlement conference will be held before the magistrate judge on January 25, 2010, at 9:00 a.m. at the U.S. Courthouse located in Minot, North Dakota.

The conference shall be attended by all parties, together with trial counsel (if they are represented) for each party. An insured party need not attend unless the settlement decision will be made in part by the insured. When the settlement decision will be made in whole or in part by an insurer, the insurer shall send a representative. The persons attending shall be vested with the necessary settlement authority. Any relief from these requirements must be obtained in advance. Failure to produce the appropriate person(s) at the conference may result in an award of costs and attorney fees incurred by the other parties in connection with the conference and/or other sanctions against the noncomplying party and/or counsel.

In view of the summary judgment materials available, the parties may, but are not required, to submit brief confidential settlement statements to the court via fax (701-530-2325), e-mail

([ndd\\_J-Miller@ndd.uscourts.gov](mailto:ndd_J-Miller@ndd.uscourts.gov)), or mail (P.O. Box 670, Bismarck, North Dakota 58502-0670) at least two (2) days prior to the settlement conference. The settlement statement shall not be filed with the Clerk's office. Copies of the settlement statement shall not be provided to the other parties in the case.

Dated this 8th day of January, 2010.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge